

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In the Matter Of:

ILEANA DELGADO APONTE
Debtor(s)

Case No. 21-02591 (MCF)

CHAPTER 13

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

TO THE HONORABLE COURT:

COMES NOW creditor POPULAR AUTO, represented by the undersigned attorney, and hereby objects to the proposed Chapter 13 plan on the following grounds:

1. On August 30, 2021, the above named debtor filed a Bankruptcy petition under Chapter 13 of Title 11 of the United States Code.
2. Popular Auto is a secured creditor of the above named debtor pursuant to 11 U.S.C. §101(10) and therefore a party in interest in the instant proceeding.
3. On April 18, 2002, debtor subscribed with Reliable Auto, now Popular Auto, a Conditional Sales Contract, account no. XXXXX0001, regarding a 2001 Toyota Corolla. The contract was payable in seventy-two (72) consecutive monthly installments of 353.00 each. The contract expired by its own terms on April 20, 2008.
4. Popular Auto filed the corresponding proof of claim for its secured debt in the amount of \$3,851.33. Please refer to proof of claim # 2.
5. Debtors' Chapter 13 plan fails to provide for treatment of Popular Auto's secured claim.
6. Furthermore, the plain fails to provide insurance for the vehicle at maturity date. As of today, the insurance coverage already expired on April 18, 2008.

Objection to Confirmation

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7. Section 1325(a)(5) of the Bankruptcy Code,¹ 11 U.S.C. §1325(a)(5), clearly states that the plan must provide for each secured claim and that the holder of such claim has accepted the plan.
8. Popular Auto objects to the Chapter 13 plan, since it does not comply with the requirements of §§§1325(a)(5) and 1326(a)(1) of the Bankruptcy Code.

WHEREFORE, creditor Popular Auto, respectfully requests this Honorable Court to deny approval of the proposed amended plan for the reasons stated in the foregoing motion.

NOTICE IS HEREBY GIVEN THAT IF NO WRITTEN REPLY OR OPPOSITION IS FILED AND SERVED WITHIN SEVEN (7) DAYS FROM THE DAY OF SERVICE HEREOF, THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT HEREIN PURSUANT TO BANKRUTPCY LOCAL RULE 9013(a)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:
ROBERTO FIGUEROA CARRASQUILLO, Attorney for Debtor and to ALEJANDRO OLIVERAS RIVERA Chapter 13 Trustee.

Respectfully submitted in San Juan, Puerto Rico, this 20TH day of September, 2021.

s/VERONICA DURAN CASTILLO
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¹ As amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8). Also, commonly known as BAPCPA.